

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17313 of 2019

Arising Out of PS. Case No.-527 Year-2018 Thana- DUMRA District- Sitamarhi

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Arun Kumar, Son of Devendra Sah @ kuisa, Resident of Village - Harsingpur,
P.S.- Runnisaidpur, District – Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mrs. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Dumra P.S. Case No.527 of 2018 registered for the offence punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and 30(a), 38, 41 of Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Vikas Kumar Singh, S.H.O. Dumra P.S. is to the effect that 45 litres of Nepali Saufi wine were recovered from the vehicle and police personnel apprehended three persons who were found sitting in the said vehicle though one of them flee away. The apprehended persons disclosed their name as Baliram Kumar, Sanjay Kumar, Upendra Sah, Harindr Kumar and also disclosed the name of their associates who flee away as Mithu, Aman Kumar, Naval Kumar and Sanjit Kumar and Arun Kumar.

It is submitted by learned counsel for the petitioner that



the recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the petitioner is not having criminal antecedent, statement to that effect is made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused person.

Considering the nature of accusation and the fact that the prosecution case does not suggest the recovery has been made from the conscious physical possession of the petitioner and the fact that petitioner is not having criminal antecedent, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S. Case No.527 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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